

SENATE JOURNAL.

THIRTY-THIRD LEGISLATURE—THIRD CALLED SESSION.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Wednesday, September 23, 1914.

In obedience to the call of His Excellency, Hon. O. B. Colquitt, Governor of the State of Texas, convening the Thirty-third Legislature in Third Special Session this the 23d day of September, 1914, the Senate met in the Senate Chamber of the Capitol in the city of Austin, at 10 o'clock a. m., and was called to order by Senator F. M. Gibson, President Pro Tem. of the Senate, elected at the close of the Second Called Session of the Thirty-third Legislature.

TEMPORARY ORGANIZATION.

The Chair announced the appointment of the following temporary officers:

Secretary, W. V. Howerton, of Travis county; Journal Clerk, R. M. Gilmore, of Van Zandt county; Sergeant-at-Arms, M. F. Hornbuckle, of Bosque county; Doorkeeper, Capt. E. I. Kellie, of Jasper county; Calendar Clerk, J. C. Stanberry, of Tarrant county.

The Chair directed the roll called, a quorum being present, the following Senators answering to their names:

Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Lattimore.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Hall.	Wiley.
Harley.	

Absent.

Astin.	Real.
Conner.	Warren.
Henderson.	Westbrook.
Johnson.	Willacy.

Prayer by Rev. H. M. Sears, of Austin.

S3—1

PROCLAMATION BY THE GOVERNOR.

The following proclamation by the Governor, reconvening the Legislature in Special Session, read on yesterday, was directed printed here:

Austin, Texas, September 22, 1914.

Whereas, Extraordinary conditions make it advisable to convene the Legislature at the seat of government in special session to consider matters for the public good.

Now, Therefore, It being desirable to conserve the financial resources of the State of Texas to meet emergencies; to protect the producer and the business interests of the State generally, to increase the income to the public school fund and to provide additional safe investments for the public school fund of Texas and to utilize the assets of said fund for said public purposes, and by virtue of the authority vested in the Governor by the Constitution of the State of Texas, I hereby call an extra session of the Thirty-third Legislature to convene at the Capitol in the city of Austin, beginning at 10 a. m., Wednesday, September 23, 1914, for the following purposes, to wit:

1. The passage of an act to establish "The Bank of Texas" and define the purpose and method of its organization, its rights, privileges, duties and liabilities; the object and purpose of the act being to provide a fiscal agency for the State, its counties, municipal corporations and all districts heretofore or hereafter created, with the power to levy and collect taxes and issue bonds or to expend the public funds, to the end that the fiscal officers of the State and its various governmental agencies may administer their affairs on a sound financial basis, maintain all warrants at par, find a ready and sufficient market for bonds and other obligations, obtain cash against unmatured and uncollected tax levies, and generally to furnish an agency of sufficient capital and authority to maintain the financial affairs of the State and its various governmental agencies in a sound and efficient man-

ner; to furnish a safe and lucrative investment for the Permanent School Fund of the State with a definite and certain return; to enable the holders of all school warrants drawn against the available school fund, uncollected at the time of their issuance, to obtain cash thereon without discount thereof; to provide a reserve bank in aid of the general banking system of the State; to assist in maintaining the solvency of the banks chartered in the State of Texas and to preserve intact the depositors' guarantee fund; to prevent the sacrifice of a large part of the products of the industry now impending and due to calamities and exigencies of war; to maintain the integrity of the actual values of the products of industry during the present period of financial disturbance, to the end that taxes may be collected and taxable values maintained; to enable the people of the State generally to obtain their ratable and proper distribution of currency issued or authorized to be issued by the national government or other relief in the issuance of money or currency made by the national government or authorized to be made by it; to preserve the normal business conditions of the State against the present disturbances brought about by the wars on the continent of Europe and to guard against the repetition of like disturbances due to that or any other cause; and generally, to preserve the credit and industrial and financial integrity of the State; setting forth in detail how these purposes and the organization of the bank may be accomplished; conferring certain authority on the Board of Education as an organization committee of the bank; fixing the capital of the bank and how the same shall be paid in, and from whence derived; prescribing that the capital of the bank shall consist of the face value of the principal of municipal or other bonds now held by the permanent school fund of the State of the approximate amount of \$17,800,000 and such additional amounts as may be subscribed and paid in by member banks under the provision of the act; defining the powers and authority of The Bank of Texas; requiring every banking corporation chartered under the laws to become a member of The Bank of Texas within a period of fifteen months and defining the terms under which such corporations may become members; prescribing a board of directors for the government and management of The Bank of Texas and de-

fining their authority; defining the rights and privileges of a member bank for The Bank of Texas and authorizing the admission of national banks as members; setting forth in detail the power and authority of The Bank of Texas as a corporation and stating in what business it may engage; providing that the Bank of Texas shall be the fiscal agent of the State and depository of all general and special funds which may under the Constitution be placed in the depository, and defining its privileges and rights and liabilities as such; providing that The Bank of Texas shall be governed by the general banking laws, civil and criminal, of the State except in those portions in conflict with this act; providing when The Bank of Texas shall begin operation, defining the authority of the organization committee, and authorizing the organization committee composed of the Board of Education to organize The Bank of Texas and to incur necessary expense for such purpose, making an appropriation therefor, and declaring an emergency.

2. To consider and act upon such other matters as may be presented by the Governor, pursuant to Section 40, Article 3, of the Constitution of Texas.

In testimony whereof I hereunto sign my name and affix the Seal of State, at Austin, Texas, this the 22nd day of September, A. D. 1914.

O. B. COLQUITT,

(Seal) Governor of Texas.

By the Governor:

F. C. WEINERT,

Secretary of State.

PRESIDENT PRO TEM.—ELECTION OF.

The election of President Pro Tem. being in order,

Senator Nugent placed in nomination for that place Senator W. C. Morrow, of Hill county.

Senators Lattimore, Hudspeth and Terrell seconded the nomination of Senator Morrow.

There being no other nominations, the Chair declared nominations closed and requested the Senators to cast their ballots.

Senators Collins, Cowell and Bailey of Harris were appointed as tellers.

The ballot resulted as follows:

Senator Morrow received 19 votes.

Senator Townsend (not in nomination), received 1 vote.

Two blank ballots.

Senator Morrow, having received a majority of the votes, was declared duly and constitutionally elected President Pro Tem. of the Senate for the ensuing session.

Senators Nugent, Lattimore and Bailey of DeWitt were appointed a committee to escort Senator Morrow to the President's stand, whereupon the constitutional oath of office was administered him by President Pro Tem. Gibson.

President Pro Tem. Morrow was presented to the Senate by Senator Gibson, and, after thanking the Senate for the honor conferred upon him, called for the regular order of business.

(President Pro Tem. Morrow in the chair.)

COMMITTEE FROM HOUSE.

A committee from the House here appeared at the bar of the Senate and announced that the House was organized and ready for business.

ORGANIZATION RESOLUTION.

Senator Nugent offered the following resolution, providing for the election of officers:

Resolved, That the following officers and employes of the Senate be and they are hereby elected to the positions opposite their names:

W. V. Howerton, Secretary of the Senate; John D. McCall, Assistant Secretary of the Senate; R. M. Gilmore, Journal Clerk; T. H. Yarbrough, Assistant Journal Clerk; J. C. Stanberry, Calendar Clerk; Frank P. Smith, Engrossing Clerk; J. W. Shotwell, Enrolling Clerk; J. C. Son, Assistant Engrossing and Enrolling Clerk; E. I. Kellie, Doorkeeper; J. D. Eagan, Assistant Doorkeeper; M. F. Hornbuckle, Sergeant-at-Arms; J. A. Kenny, Assistant Sergeant-at-Arms; J. P. Hall, Second Assistant Sergeant-at-Arms.

Resolved, That the Secretary of the Senate be and he is hereby directed to cast the entire vote of the Senate for the election of the above officers.

Senator Gibson moved that the above be adopted, and the motion prevailed by the following vote, and which carried with it the election of the officers named therein:

Yeas—23.

Bailey of DeWitt.	Carter.
Bailey of Harris.	Clark.
Brelsford.	Collins.

Cowell.
Darwin.
Gibson.
Greer.
Hall.
Harley.
Hudspeth.
Lattimore.
McGregor.

McNealus.
Morrow.
Nugent.
Taylor.
Terrell.
Townsend.
Watson.
Wiley.

Absent.

Astin.
Conner.
Henderson.
Johnson.

Real.
Warren.
Westbrook.
Willacy.

All the above officers appeared at the bar of the Senate and were administered the constitutional oath of office.

SIMPLE RESOLUTION.

By Senator Nugent:

Resolved, That the list of stenographers or typewriters shall include all who were named or selected as stenographers at the Second Called Session, and provided that any Senator who named any stenographer or typewriter at the Second Called Session may name another stenographer to take the place of the one formerly named, and all names of such stenographers or typewriters shall be reported to the Journal Clerk.

Senator Townsend offered the following amendment, which was read and adopted:

Amend the resolution by adding that James Jones be elected as a page in lieu of Harvey Henry, resigned.

TOWNSEND,
TERRELL.

I ask that the name of K. D. Smith be put in as my employe as stenographer to take place of Miss Marguerite Frye, being appointed by me at first of last called session, resigned.

DARWIN.

The resolution, as amended, was adopted.

SIMPLE RESOLUTION.

By Senator Nugent:

Be it resolved, That the salary of each officer and employe be fixed at the sum of \$5.00 per day, except the salary of the pages and porters, each of whom shall receive the sum of \$2.00 per day, and further except the Journal Clerk

and Secretary of the Senate, each of whom shall receive \$7.00 per day.

NUGENT,
COLLINS,
BAILEY of Harris,
WATSON.

The resolution was read and adopted.

EXCUSED.

On account of important business:
Senator Astin, for today and tomorrow, on motion of Senator Bailey of DeWitt.

NOTIFICATION COMMITTEES.

Senator Cowell moved that a committee of three be appointed to notify the Governor that the Senate was organized and ready for business, which motion was adopted.

The Chair appointed the following committee:

Senators Cowell, Carter and Bailey of DeWitt.

The following like committee to notify the House was appointed:

Senators Harley, McNealus and Greer.

SIMPLE RESOLUTION.

By Senator Nugent:

Resolved, That the following employees are hereby elected to serve the Senate during the Third Called Session of the Thirty-third Legislature in the position to which they are named:

Chaplain—Rev. H. M. Sears.

Postmistress—Mrs. Clyde D. Smith.

Mailing and Notarial Clerk—Will H. Mayes, Jr.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Townsend:

Be it resolved by the Senate, That the State Librarian be and he is hereby requested to collate and assemble together in the State Library, for use of the members of the Legislature, all books, pamphlets and periodicals known to him affecting the bank bill introduced in the Legislature, known as the bill establishing The Bank of Texas. Be it further

Resolved, That the Secretary of the Senate furnish the State Librarian with a copy of this resolution.

Senator Hudspeth offered the following amendment to the resolution, which was read and adopted:

Amend by adding at the end of the resolution the following: "And that the Superintendent of Public Buildings and Grounds be requested to keep the Senate Chamber lighted until 12 o'clock every night during this session."

The resolution, as amended, was adopted.

SIMPLE RESOLUTION.

By Senator Harley:

Whereas, The number of Journals embodying the central Bank of Texas bill heretofore printed was inadequate to the demand of the Senate; therefore, be it

Resolved, That we have printed 500 copies of said bill in pamphlet form and distributed proportionately among Senators.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Brelsford:

Be it resolved, That the Sergeant-at-Arms of the Senate be instructed to arrange at once for the installation of a long distance telephone booth in the lobby immediately at door of Senate Chamber, and that a page be assigned to said booth by the President of the Senate. All expense of said installation to be paid out of Senate contingent fund.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Collins:

Resolved, That every member of the Senate be earnestly requested to remain in attendance upon the sessions hereof, that a quorum may be maintained that the Senate may perform the purposes of the Third Called Session at the earliest date possible.

COLLINS,
MCNEALUS,
HUDSPETH,
WATSON,
TOWNSEND.

The resolution was read, and Senator Bailey of Harris moved to table same, which motion was adopted.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Westbrook, Hudspeth, Cowell, Willacy, Collins, Henderson, Taylor, Hall, Terrell, McNealus, Greer, Watson, Brelsford, Johnson, Warren:

S. B. No. 1, A bill to be entitled "An Act to establish 'The Bank of Texas,' and defining the purpose and method of its organization, its rights, privileges, duties and liabilities; the object and purpose of the act being to provide a fiscal agency for the State, its counties, municipal corporations and all districts heretofore or hereafter created, with the power to levy and collect taxes and issue bonds or to expend the public funds, to the end that the fiscal officers of the State and its various governmental agencies may administer their affairs on a sound financial basis, maintain all warrants at par, find a ready and sufficient market for bonds and other obligations, obtain cash against unmatured and uncollected tax levies, and generally, to furnish an agency of sufficient capital and authority, to maintain the financial affairs of the State and its various governmental agencies in a sound and efficient manner; to furnish a safe and lucrative investment for the Permanent School Fund of the State with a definite and certain return; to enable the holders of all school warrants drawn against the available school fund, uncollected at the time of their issuance, to obtain cash thereon without discount thereof; to provide a reserve bank in aid of the general banking system of the State; to assist in maintaining the solvency of the banks chartered in the State of Texas and to preserve intact the depositors' guaranty fund; to prevent the sacrifice of a large part of the products of the industry now impending and due to calamities and exigencies of war; to maintain the integrity of the actual values of the products of industry during the present period of financial disturbance, to the end that taxes may be collected and taxable values be maintained; to enable the people of the State generally to obtain their ratable and proper distribution of currency issued or authorized to be issued by the national government or other relief in the issuance of money or currency made by the national government or authorized to be made by it;

to preserve the normal business conditions of the State against the present disturbances brought about by the wars on the continent of Europe and to guard against the repetition of like disturbances due to that or any other cause; and generally, to preserve the credit and industrial and financial integrity of the State; setting forth in detail how these purposes and the organization of the bank may be accomplished, conferring certain authority on the Board of Education as an organization committee of the bank, fixing the capital of the bank and how the same shall be paid in, and from whence derived; prescribing that the capital of the bank shall consist of the face value of the principal of municipal or other bonds now held by the permanent school fund of the State of the approximate amount of \$17,800,000 and such additional amounts as may be subscribed and paid in by member banks under the provisions of the act; defining the powers and authority of The Bank of Texas; requiring every banking corporation chartered under the laws to become a member of The Bank of Texas within a period of fifteen months and defining the terms under which such corporations may become members; prescribing a board of directors for the government and management of The Bank of Texas and defining their authority; defining the rights and privileges of a member bank for The Bank of Texas and authorizing the admission of national banks as members; setting forth in detail the power and authority of The Bank of Texas as a corporation and stating in what business it may engage; providing that The Bank of Texas shall be the fiscal agent of the State and depository of all general and special funds which may under the Constitution be placed in the depository, and defining its privileges and rights and liabilities as such, providing that The Bank of Texas shall be governed by the general banking laws, civil and criminal, of the State except in those portions in conflict with this act; providing when The Bank of Texas shall begin operation, defining the authority of the organization committee and authorizing the organization committee composed of the Board of Education to organize the Bank of Texas and to incur necessary expense for such purpose, making an appropriation therefor, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Be it resolved by the Senate that each Senator be permitted to subscribe for five newspapers to be paid for out of the contingent expense fund of the Senate.

Senator Townsend offered the following amendment:

Amend the resolution by striking out "five" and insert in lieu thereof "two."

Senator Lattimore moved to table the amendment, which motion to table was adopted.

The resolution was then adopted.

SIMPLE RESOLUTION.

By Senator Townsend:

I move that the presiding officer of the Senate be and he is hereby requested to add the names of all members of the Senate to Judiciary Committee No. 1 to enable all members of the Senate to hear the discussion of the bank bill and to participate therein.

The resolution was read, and

Senator Watson moved to table same, which motion to table was lost by the following vote:

Yeas—1.

Bailey of Harris.

Nays—20.

Bailey of DeWitt.	Harley.
Brelsford.	Lattimore.
Carter.	McGregor.
Clark.	McNealus.
Collins.	Morrow.
Cowell.	Nugent.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Townsend.
Hall.	Wiley.

Absent.

Conner.	Warren.
Henderson.	Watson.
Hudspeth.	Westbrook.
Johnson.	Willacy.
Real.	

Absent—Excused.

Astin.

The resolution was then adopted.

SIMPLE RESOLUTION.

By Senator Nugent:

Resolved, That the following named

stenographers, typewriters and clerks are hereby appointed to serve the Senate during the Third Called Session of the Thirty-third Legislature:

Miss Anne Howe, Miss Winnie Weddle, Miss Cassie D. Millhouse, Mrs. Nellie Shannon, Mrs. Mabel Kinzie, Miss T. H. Bell, Miss Daisy Reedy, Mrs. M. Morrison, Miss Eula Hurlock, Matt Wilson, Chas. A. Duff, W. H. Rather, Hayden Moore, Miss Azile Dierlam, Miss Nellie Lowdy, Miss Allye Smith, Austin McKinney, Miss Ada Bell, K. D. Smith, Miss Tynae Ragsdale, Miss Lila Fuller, Miss Mary Thompson, Miss Marie Scarbrough, Miss Mattie Jones, Miss Theodora Bell.

And such others that were elected or appointed at the Second Called Session not above named, and that any Senator who may have nominated a stenographer, typewriter or clerk may change such appointee for another by reporting such change to the Journal Clerk and provided the Journal Clerk will get from the payroll of the Second Called Session of the Senate the names of all such employees not hereinbefore named.

The resolution was read and adopted.

ADJOURNMENT.

Senator Carter, at 11:45 o'clock a. m. moved that the Senate adjourn until 10 o'clock tomorrow morning, and,

Senator Terrell moved, as a substitute, that the Senate adjourn until 5 o'clock p. m. Saturday, September 26th, which motion was adopted by the following vote:

Yeas—12.

Bailey of DeWitt.	Lattimore.
Clark.	McGregor.
Cowell.	Morrow.
Darwin.	Taylor.
Greer.	Terrell.
Harley.	Wiley.

Nays—10.

Bailey of Harris.	Hudspeth.
Brelsford.	McNealus.
Carter.	Nugent.
Collins.	Townsend.
Hall.	Watson.

Absent.

Conner.	Real.
Gibson.	Warren.
Henderson.	Westbrook.
Johnson.	Willacy.

Absent—Excused.

Astin.